APPROVED MEETING MINUTES

Tuesday, September 16, 2019 Meeting | 7:00 p.m. City Council Chambers, Woburn City Hall, 10 Common Street, Woburn, MA

Chair Dave Edmonds called the meeting to order at 7:00 pm and asked City Planner/Grant Writer Dan Orr to call the roll.

Mr. Kevin Donovan, Mr. Bob Doherty, Ms. Claudia Bolgen, Mr. Jim Callahan, Mr. Michael Ventresca, Ms. Carolyn Turner, and Chair Dave Edmonds were present.

Planning Director Tina Cassidy and City Planner/Grant Writer Dan Orr were also present and introduced themselves.

331-333 MONTVALE AVE (New Aberjona Realty Trust and Tanners Associates Trust)

Cassidy reviewed the ANR plan, which proposes to adjust lot lines between two existing parcels which will remain two (2) separate existing buildable lots. No new zoning non-conformities will result from the plan relative to existing building setbacks or lot areas. Street frontages, building setbacks, and lot sizes for the reconfigured parcels will meet or exceed the required dimensions for the Business Interstate (B-I) zoning district. In addition, Lots A, B, C are not to be considered separate building lots and are so labeled on the ANR plan.

Cassidy further stated that she would recommend Board endorsement of the plan, as submitted, as one not requiring approval under the Subdivision Control Law.

Motion to endorse the ANR plan as one not requiring approval under the Subdivision Control Law, made by Bolgen;

Seconded by Doherty;

Motion carried, 7-0-0.

PUBLIC HEARING: 22-24 WALTHAM STREET DEFINITIVE SUBDIVISION (Ryall Meyer, Meyer Development Group LLC)

Cassidy provided an overview of the request before the Board this evening which is to withdraw the Petition from consideration, without prejudice. The proposed withdrawal of the application is the result of numerous zoning- and utility-related concerns that likely would present extensive delays during the review process until resolutions are found.

Edmonds opened this matter for a public hearing and asked any members of the audience who would like to step forward to address the Board to please do so.

PUBLIC HEARING

No members of the audience stepped forward.

Seeing none, Bolgen made a motion to close the public hearing; Seconded by Doherty; Motion carried, 7-0-0.

Cassidy stated that, given the nature of the request and status of the application, staff recommends that the Board grant the applicant's request to withdraw the definitive subdivision application, without prejudice.

Motion to accept the Planning Director's recommendation, made by Bolgen; Seconded by Turner; Motion carried, 7-0-0.

PUBLIC HEARING: PROPOSED ZONING TEXT AND MAP AMENDMENTS TO CREATE A "RAILWAY OVERLAY DISTRICT" (ROD) (NEW SECTION 31 OF THE WOBURN ZONING ORDINANCES) (Alderman Gaffney and Alderman Tedesco)

Cassidy provided an overview of the zoning map and text amendment proposal and offered the attorney representing the subject property owners the opportunity to address the Board as an introduction.

Edmonds asked for more information regarding the specific parcels to be rezoned and how it might be analogous to the Commerce Way Corridor Overlay District. Cassidy responded that no master planning has taken place in this part of the City that has evaluated the ideal uses and/or types of proposals for redevelopment, although a concept development plan (for 8-10 Green Street) has been submitted to the City Council and distributed to the Planning Board illustrating at least one potential project on one of the affected parcels.

Attorney Tarby, Murtha Cullina, 600 Unicorn Park Drive, approached the Board on behalf of the owners of property at 8-10 Green Street who are proponents of the Petition to explain where this Petition stands in the City Council review process and provide concept plan material to the Board.

Motion to accept the mapping and concept plan handouts for Board review and discussion, made by Bolgen;

Seconded by Doherty:

Motion carried, 7-0-0.

Tarby continued to present the specifics of the proposed zoning overlay district by clarifying the affected properties, explaining the ultimate intent is to encourage mixed-use development (by City Council Special Permit only) on S-1 zoned properties abutting the former Boston & Maine railway line between High and Green Streets while also promoting higher-quality building design and providing opportunities to produce more affordable housing.

Tarby further reviewed the proposed zoning requirements for qualifying developments. The current Green Street concept plan entails the construction of 54 residential units.

Bolgen stated that she interprets the ROD zoning proposal as a policy change in the sense that it will enable much greater concentration of residential density and raises critical planning questions about the overall direction in which the City would like to take this particular area of Woburn.

Mr. Mark Sleger, project engineer of Alan Engineering, 110 Winn Street, Suite 209, approached the Board on behalf of the Petitioner to present the conceptual four (4)-story, 54-unit condominium development and its zoning-related components (via PowerPoint presentation) that is contemplated for the 8-10 Green Street parcel.

Mr. Hans Strauch, project architect of HDS Architecture, 625 Mt. Auburn St., Cambridge, MA, reviewed the architectural features of the proposed residential building and the rationale behind its design to minimize impacts and consider the scale of the surrounding neighborhood.

Cassidy, Edmonds and Ventresca asked for points of clarification regarding the building's scale and how the conceptual residential building height is being calculated. The architect responded that the proposed building has similar height but larger massing than the adjacent townhomes on the corner of Prospect and Green Streets. Its height was calculated to its peak.

Ventresca asked for clarification as to any existing overlay districts in this area. Cassidy responded that there is a Woburn Loop Bikeway/Greenway Overlay District (WLBGOD) just to the south of the proposed ROD area.

Bolgen stated that the proposal should not be considered as a one-project proposal. It is a potential building scenario that could be contemplated for multiple parcels within an approved ROD and Board members should take into consideration what the visual impacts would be. She posed the question to fellow members as to what would be the best method for evaluating this proposal, in order to eventually make a recommendation.

Ventresca stated that he agrees with the premise that this has the potential to greatly increase residential density in this part of the City.

Bolgen reiterated that the decision before the Board and the City generally is to consider the longer-term plan and features that may be needed in order to make the area more livable and capable of supporting the additional development (i.e., open space, playgrounds, transportation connections, etc.) and how members would like to see it brought to fruition. She considers this to be a significant policy question that will impact how a number of projects are proposed in the coming years and acknowledges similar proposals may surface for other adjacent properties, such as those in the WLBGOD.

Bolgen asked the Planning Director for her thoughts on which factors the Board might consider regarding the zoning proposal. Cassidy responded that she is not aware of any studies/analyses to date that have studied or recommended denser residential development in the subject area. However, she did calculate the potential number of residential units that could be created in the ROD district as well as the currently-permitted residential density possible under the current S-1 zoning. She added that members may also consider the context of the neighborhood relative to existing setbacks/building heights and the fact that owners of property in the WLBGOD should be expected to propose a similar rezoning for their area, which would result in a much greater residential density in the future, should the ROD ultimately be adopted and set a new precedent.

Edmonds stated that he does not necessarily support the proposed density/building height and thinks that the resulting development would be out of character as compared to the existing neighborhood, with long-term consequences for the area.

Edmonds opened this matter for a public hearing and asked any members of the audience who would like to step forward to address the Board to please do so.

PUBLIC HEARING

Mr. Kenneth Lee, 58-60 Prospect Street, approached the Board to express that he does not think that the proposed development provides adequate zoning requirements. Additionally, he is concerned about the traffic resulting from the proposed development, the overall visual impact of building heights to abutting properties, and the precedent being set for other areas of the City.

Mr. Scott Elmer, 56 Prospect Street, stated that he is in support of redeveloping some of the industrial properties within the S-1 District, although he has concerns about the residential density as proposed

and impacts to the existing character of the neighborhood. He is also concerned with increased traffic resulting from the proposed development(s).

Edmonds asked if any other members of the audience wish to speak. No one stepped forward.

Edmonds asked if the Planning Director had any further comment for the Board on this Petition. Cassidy responded that she noted a number important omissions in the proposed ROD text, including a lack of provisions for design guidelines/requirements, which would be critical to promoting the higher-quality building design Attorney Tarby listed as a purpose. Additionally, she has gleaned from members the need for more information as to the broader planning implications and a much better sense of the proposed building height and massing.

Cassidy further stated that the City Council would likely act quickly on this Petition once in receipt of the Board's recommendation.

Bolgen stated that she would not be in a position to act favorably on the proposed zoning overlay in its current form given the lack of baseline analysis. She made a motion to recommend denial to the City Council, with the caveat that the Council take into consideration reformulation of the Zoning Ordinance Review Committee (ZORC) and initiating formal study of this area to get a greater sense of projected impacts from increased residential density.

Edmonds stated that the public hearing on this matter must first be closed. Bolgen responded that she withdraws her motion.

Motion to close the public hearing, made by Bolgen; Seconded by Doherty;

Ventresca stated, for discussion, that he would appreciate the opportunity to have the chance to hear from the sponsoring Councilors on the proposed zoning overlay and their vision for this area prior to closing the public hearing on this matter and asked whether there is any urgency. Cassidy responded that there is no time limit per se for the Board to submit its recommendation; only to formally submit a recommendation following a formal Board vote on a recommendation within twenty-one (21) days of closure of the public hearing.

Doherty stated that he is not necessarily familiar with this parcel affected by the Green Street proposal and thus would not necessarily be able to make a decision this evening. He advocated for a site visit to get a better sense of the existing conditions and to envision what is proposed.

Bolgen stated that she would support holding off on closing the public hearing and issuing a recommendation in order to provide the sponsoring Councilors with the opportunity to address the Board, but she would like that action to actually result in constructive dialogue with the City Council and/or more information for the Board, particularly in the absence of ZORC. Cassidy responded that one option is to issue a letter to the Council inviting them to attend a future Board meeting to discuss this matter jointly. Staff could provide more background information, including an analysis of the potential density on the WLBGOD if rezoned similarly to the ROD, if it would be helpful to the Board in making its recommendation.

Bolgen stated that she would support the Planning Director's approach and also suggested the Board communicate its willingness to attend a Council meeting as an alternative to the Council attending a Board meeting.

Motion to withdraw the previous motion to close the public hearing, made by Bolgen; the second was withdrawn by Doherty.

Attorney Tarby approached the Board to suggest a site visit with City Councilors being invited to attend.

Turner stated that she would also be in support of holding a site visit on this matter.

Cassidy stated that she would recommend continuing the public hearing. If Board members are in fact subsequently invited to attend a City Council meeting on this matter, it may be posted as a special Planning Board meeting if four (4) or more members plan to attend.

Callahan stated that he would like there to be more dialogue with the sponsoring Councilors on the proposed ROD in the form of a ZORC-type format and a site visit, given that there is often more to the zoning proposals than the initial project envisioned. He is personally not comfortable overall with the direction that Woburn is going in terms of an apparent lack of adherence to master planning principles.

Edmonds stated that he finds the proposal to be a lot to consider for the Board to make a recommendation in one evening and must have more information before making such a consequential planning decision.

Members discussed and subsequently agreed that a site visit would be the best next step to evaluate the proposed overlay district and that the Board should send a letter to the City Council requesting an opportunity for joint dialog on the matter between the two boards, at either body's next meeting at which this matter will be discussed.

Members discussed and subsequently agreed to continue the public hearing and hold a site visit on this matter just prior to the Board's next scheduled meeting on September 24th. Attorney Tarby confirmed his availability.

Motion to hold a Planning Board site visit on Tuesday, September 24th at 5:45 pm at the 8-10 Green Street property made by Doherty; Seconded by Bolgen;

Motion carried, 7-0-0.

Bolgen asked that staff advise members of parking locations for the site visit between now and then.

Members discussed and identified their preference for the involvement of the sponsoring City Councilors at its next meeting and that correspondence to the Council be sent reflecting the Board's aforementioned desire for an opportunity to have a joint dialogue on this matter.

Motion to send correspondence to the City Council inviting them to attend and participate in the Board's upcoming hearings and/or meetings as previously discussed, including the site visit/public hearing scheduled for September 24th, 2019, made by Bolgen;

Seconded by Doherty;

Motion carried, 7-0-0.

Motion to continue the public hearing on this matter to the Planning Board's site visit on Tuesday, September 24th at 5:45 p.m., made by Doherty;

Seconded by Bolgen:

Motion carried, 7-0-0.

PUBLIC HEARING: 0 VILLAGE STREET DEFINITIVE SUBDIVISION (Frederick J. Gonsalves)

Attorney Mark Salvati, 10 Cedar Street, and Mark Sleger, Project Engineer, approached the Board on behalf of the applicant to review the proposed roadway improvement plan and its inclusion of a truck turnaround accommodating fire apparatus, improved drainage infrastructure, and utility connections.

Sleger continued to review the components of roadway paving (curbing), the proposed catch basin that is to be installed, and an injector pump that is to tie into the existing sewerage line, an arrangement that meets the minimum approval of the Superintendent of Public Works.

Sleger continued to state that a number of variances are requested in connection with this application, such as an exemption from drainage calculations, non-looping of the water main, to allow high-density polyethylene (HDPE) piping (to be maintained by a proposed Homeowners' Association [HOA]), to maintain electric service above ground, and exemptions from street curbing and sidewalks due to the lack of existing infrastructure in the area. Test pits may be conducted as recommended by the Superintendent, although the Board may want to consider only as a requirement via condition of approval.

Sleger stated that comments have been received from all reviewing departments and he believes that he has covered and will address all concerns via plan modifications.

Callahan asked if the request of the Superintendent of Public Works to incorporate an additional streetlight has been resolved. Sleger responded that there is an existing streetlight adjacent to the adjoining property line with 9 Cummings Avenue and is unsure where an additional one could be located.

Cassidy stated for clarification that the list of waivers should be revised to include the requirement for the maximum length of a short cul-de-sac roadway layout (as proposed, it exceeds 200').

Callahan stated that his concern is that the utilities will not be placed in an ideal spot in the future as the roadway is built out.

Sleger stated that he believes that the plan has responded to the Subdivision Rules & Regulation to the extent possible.

Edmonds opened this matter for a public hearing and asked any members of the audience who would like to step forward to address the Board to please do so.

PUBLIC HEARING

Mr. Lawrence & Mrs. Deborah Finn, abutting residents on Village Street, approached the Board. Mr. Finn stated that his concern is primarily with drainage. Mrs. Finn stated she is primarily concerned with routine flooding and that the measures proposed will not be sufficient to address the pervasive flooding issues now experienced in her neighborhood.

Mrs. Finn read for the record correspondence from Natalie B. O'Connor, resident of 13 Cummings Avenue, which indicated concerns about routine flooding that she is concerned would worsen with the proposed development.

Motion to accept the letter submitted by Ms. Natalie B. O'Connor into the public record made by Bolgen;

Seconded by Doherty;

Motion carried, 7-0-0.

Mr. Sean Dwyer approached the Board to read a letter into the record on behalf of Regina Dwyer, resident of 9 Cummings Avenue, which stated concerns relative to the proposed development and its negative impacts on drainage conditions.

Motion to accept correspondence from Ms. Regina Dwyer into the public record, made by Bolgen; Seconded by Turner; Motion carried, 7-0-0.

Cassidy stated for clarification to the audience that the Village Street definitive subdivision application before the Board this evening must be evaluated and vetted by the Board due to its proposed roadway extension. The Cummings Avenue development referenced during public testimony this evening was not required to seek Planning Board review and approval.

Mr. Jerry Gorrasi, resident of 11 Cummings Avenue, approached the Board to state that he is very concerned with the drainage conditions in the area, in particular due to recent flooding-related damages to his property. He wants to ensure the Board keeps in mind the concerns of abutting homeowners when issuing a decision on this application.

Edmonds asked if any other members of the audience would like to come forward with public comment. No one stepped forward.

Ventresca stated that he is not inclined to support the roadway improvement application this evening. He would like the applicant to address the numerous issues that are outstanding, as identified by Planning staff and relative to the drainage concerns of abutting residents expressed this evening. Attorney Salvati approached the Board and stated that the applicant is willing to attempt to address some of the Board's concerns expressed this evening, such as potential modifications to ensure proper drainage and/or the relocation of the proposed fire hydrant away from the Finns' property.

Turner asked the applicant for clarification as to the ownership of the easement as raised by Superintendent Duran. Salvati responded that the easement in question does in fact lie on property that is under Mr. Gonsalves' ownership.

Doherty stated that he would like to see more information on drainage calculations to address the concerns raised this evening. Salvati responded that his client and the project engineer will commit to providing that information.

Cassidy stated that her recommendation would be to continue this matter until the Board's October 22, 2019 meeting, at 7:00 pm;

Motion to accept the Planning Director's recommendation, made by Ventresca; Seconded by Doherty; Motion carried, 7-0-0.

Motion for the Board to hold a 5-minute recess, made by Doherty; Seconded by Callahan; Motion carried. 7-0-0.

The meeting recessed at 9:00 pm; The meeting reconvened at 9:07 pm.

HIGHVIEW DEFINITIVE SUBDIVISION: UPDATE ON THE STATUS OF LITIGATION AND CONSTRUCTION PROGRESS AND REQUEST FOR EXTENSION OF SUBDIVISION CONSTRUCTION COMPLETION DATE (Sanco Builders)

Attorney Roshan Jain, representing Sanco Builders, approached the Board to provide an update on the litigation status of the Eversource v. Sanco Builders case. He indicated that negotiation with Eversource is progressing regarding site access agreement, and a settlement may be reached within several months. If a court case is the outcome, the matter may extend into the 12 to 18-month timeframe.

Bolgen stated that her understanding is that there are ongoing settlement negotiations simultaneously with discovery and asked for clarification. Jain responded that establishing the discovery phase is only an alternate potential track for litigation at this point; both parties are currently focused on reaching a settlement via negotiation.

Bolgen stated that she would appreciate an interim update to the Board should it be inclined to grant the full, two (2)-year extension request, especially given the already very extensive delays in completing this subdivision.

Turner asked for clarification of what has taken place during the discovery phase thus far there is any potential mediation process that may take place. Jain responded that both parties have been served and responded to interrogatories; mediation has not currently been considered due to the technical questions that still must be answered.

Cassidy stated that she has a couple of suggestions relative to the specific two (2)-year extension request and added conditions, including: (1) another update to the Board in January 2020 on litigation status; (2) formal staking of the property lines between the development site and 10 Morningside Drive, to more clearly demarcate those lines and to address the request of the homeowner; (3) a condition by which the developer will send official correspondence to the City at least sixty (60) days prior to the resumption of any site work; (4) maintaining the measures of the Stormwater Pollution and Prevention Plan (SWPPP) during the two (2)-year extension. Jain responded that his client would be amenable to these conditions; and (5) maintaining the installed obstructions/signage to the subdivision right-of-way to prohibit unauthorized site access during site inactivity.

Motion to accept the Planning Director's recommendation, made by Doherty; Seconded by Callahan;

Ventresca stated, for discussion, for clarification how the enforcement of the SWPPP will take place. Cassidy responded that inspection of the provisions of the SWPPP are under the purview of the Engineering Department.

Turner asked about the status of meeting field requirements set by the Board that the applicant was to complete in early July. Cassidy stated that her understanding is that the developer is abiding by those requirements and had done so by the deadline set by the Board.

Bolgen asked for clarification of the timeline for staking between the subdivision and abutting property at 10 Morningside Drive. Jain responded that there are no construction workers present onsite and that there will not be any on site for some time.

Cassidy added that the safest approach would be to require immediate staking to ensure that any SWPPP-related work does not occur on abutting property. The applicant took no issue with this condition.

Motion carried, 7-0-0.

BAKER WAY SUBDIVISION: REQUEST FOR EXTENSION OF SUBDIVISION CONSTRUCTION COMPLETION DATE (David Baker)

Cassidy provided an overview of the developer's letter requesting an extension to October 31, 2019 as to allow additional time for installation of the roadway topcoat, the ADA-accessible sidewalk curb cuts and the submission of as-built plans.

Cassidy further stated that, given Engineering Department comment stating that outstanding work may be feasibly completed by an October 31st deadline, she would recommend that the Board grant the requested extension.

Motion to accept the Planning Director's recommendation, made by Doherty;

Seconded by Bolgen, for discussion. She stated that she is in support of this extension due to the amount of progress made and the efforts taken by the developer.

Motion carried, 7-0-0.

LEGACY LANE SUBDIVISION: REQUEST FOR EXTENSION OF SUBDIVISION CONSTRUCTION COMPLETION DATE (Frank Michienzi)

Cassidy provided an overview of the request submitted by the developer. The proposed extension, to December 1, 2019, is to allow for additional time for grass strip, streetlight, and stone bound installation and the submission of street acceptance and as-built plans.

Cassidy stated that the Engineering Department has reviewed this request and offered comment that the proposed extension is reasonable in scope relative to the amount of additional time, and as such, would recommend that the Board grant it as requested.

Motion to accept the Planning Director's recommendation, made by Bolgen, for discussion. She added that she is in support of the extension with the understanding that the developer has made a good faith effort to complete the subdivision and has requested a reasonable extension for a limited amount of work left to finish.

Seconded by Turner; Motion carried, 7-0-0.

88-92 PEARL STREET SUBDIVISION: SET BOND AMOUNT, ACCEPT BANK CASHIER'S CHECK AS SURETY TO GUARANTEE SUBDIVISION COMPLETION, RELEASE OF LOTS FROM LANGUAGE OF RESTRICTIVE COVENANT (Cattle Crossing LLC)

Edmonds recused himself from discussion of this matter and Donovan assumed the role of Chair protem.

Cassidy stated that the developer has submitted a request for Board establishing a bond amount and acceptance of a treasurer's check in the amount of \$91,362 as surety to guarantee completion of the subdivision. The request has been reviewed by Engineering staff as to completeness/accuracy with respect to remaining work. Staff recommends that the Board (a) set the bond amount at \$91,362 for this project, (b) accept the submitted Treasurer's check as surety to guarantee the subdivision's completion and (c) to release all lots, for building purposes only, from the language of the covenant previously posted as surety. She does not recommend the lots be released for sale purposes until and unless an easement plan and revised set of Mylar sheets reflecting the correct dimensions of the easement area is submitted to and accepted by the Board.

Motion to accept the Planning Director's recommendation as note above, made by Ventresca; Seconded by Callahan;

Motion carried, 6-0-1, with Edmonds recusing.

Edmonds returned to the meeting and re-assumed the role of Chair.

APPROVAL OF MINUTES (June 25, 2019 Planning Board Meeting)

Motion to approve the June 25, 2019 meeting minutes as drafted, made by Bolgen; Seconded by Callahan;

Motion carried, 5-0-2, with Turner and Doherty abstaining due to their absences at the June 25, 2019 meeting.

PLANNING DIRECTOR UPDATE

Cassidy noted that the Board's September 24th meeting will include several subdivision completion date extension matters, in addition to the site visit/continued public hearing on the Railway Overlay District zoning proposal.

ADJOURNMENT

Seeing no further business, Bolgen made a motion to adjourn the meeting at 9:34 p.m.; Seconded by Doherty; Motion carried, 7-0-0.

The meeting adjourned at 9:34 p.m.

Table of Documents Used and/or Referenced at Meeting

Planning Board Staff Report

Staff Report Attachments: (1) 331-333 Montvale Avenue ANR Plan and application

Staff Report Attachments (**22-24 Waltham Street Definitive Subdivision**): (1) August 23, 2019 comments from the Superintendent of Public Works; (2) Request for withdrawal letter submitted by developer's attorney

Staff Report Attachment (**ROD Overlay Zoning Map & Text Change Petition**): (1) Conceptual residential development located at 8-10 Green Street; (2) Proposed zoning map; (3) Summary comparison of uses and dimensional requirements between proposed ROD and exiting S-1 zoning district

Staff Report Attachments (**0 Village Street Definitive Subdivision**): (1) DPW comments on plan dated September 12, 2019; (2) Building Commissioner comments dated July 26, 2019 and September 9, 2019; (3) Copy of zoning variance for reduction in required lot area; (4) Engineering Department comments dated August 13, 2019; ALAN Engineering letter dated September 5, 2019; Police, Fire and Board of Health comments.

Staff Report Attachment (**Highview Definitive Subdivision**): (1): Correspondence from developer confirming attendance at 9/16 Planning Board meeting dated August 14, 2019

Staff Report Attachment (**Baker Way Definitive Subdivision**): (1) Developer's request letter dated August 27, 2019; (2) Engineering response dated August 28, 2019

Staff Report Attachment (**Legacy Lane Definitive Subdivision**): (1) Developer's request letter dated August 20, 2019; (2) Engineering Department comment dated September 11, 2019

Staff Report Attachment (**Pearl Street Definitive Subdivision**): (1) Staff request memo dated August 30, 2019, bond estimate spreadsheet and interim As-built plan; (2) Engineering Department response/recommendation dated August 30, 2019

Draft Planning Board **Meeting Minutes**: June 25, 2019 meeting

Respectfully submitted,

Dan Orr

Dan Orr City Planner/Grant Writer